

Wednesday, July 21, 2010

Fillmore music hall plan marches to its own drummer

Planning Board gives final approval to fast-tracked project

by Jason Tomassini | Staff Writer

http://www.gazette.net/stories/07212010/takonew192514_32534.php

When plans for the Fillmore music venue planned for Silver Spring again came before the Montgomery County Planning Board Thursday, Commissioner Norman Dreyfuss felt a sense of déjà vu.

"We voted on this what, a month ago?" Dreyfuss asked. "I feel like I'm dreaming."

Actually, only 35 days had elapsed between the board's approval of initial plans for the Fillmore and an accompanying hotel and office project on Colesville Road, Fenton Street and Georgia Avenue, respectively. In a county where development projects can wait years for approval because of red tape, resident complaints and good-old-fashioned bureaucracy, the Fillmore, thanks to a unanimous vote approving final plans Thursday, made it through the county's planning process in four months. A groundbreaking ceremony is scheduled for Sept. 11.

The unconventional path through the approvals process is fitting with the unconventional, and, at times, controversial, eight years of negotiations between Montgomery County, Silver Spring-based Lee Development Group and Live Nation to bring a music hall to Silver Spring.

"By far in our corporate history, this is the most complicated, backwards project we've done," said Bruce Lee, president of Lee Development Group. "But the end result will be a real win-win for the county."

LDG will construct the Fillmore and then donate the land, valued at \$3.5 million, to Montgomery County. Live Nation, the Los Angeles-based live entertainment behemoth, will operate the Fillmore on a 20-year, \$3.26 million lease with the county. The Fillmore will serve as a public amenity for a future office and hotel project that LDG will build on adjacent sites. Those projects, under a controversial and unprecedented land-use agreement that was rejected by the Planning Board but approved by the Montgomery County Council in 2008, can be built in the next 15 years under current land-use rules.

The county and state will provide \$4 million each toward the Fillmore. Live Nation will spend \$2 million on the interior of the building.

"If I ever thought it would be this difficult to give away a great piece of land, I would've thought twice about this," Lee said after Thursday's hearing.

The 34,000-square-foot, three-story, 45-foot-high Fillmore will include a general admission area, stage, walk-up box office and two bars on the first floor, a second-floor balcony with two bars and audience seating, bathrooms a level above the balcony and a basement with offices, a lounge area, dressing rooms and performers' space.

The venue, which will occupy the long-vacant storefront for the former J.C. Penney department store, has a standing-room capacity of 2,000, but 700 to 750 seats can be installed. Only building permits stand in the way of September's groundbreaking, which will be held in accordance with the annual Silver Spring Jazz Festival on the same day, Lee said.

A pending lawsuit against the state of Maryland filed by It's My Party Inc., or I.M.P. — a Bethesda-based firm that owns the 9:30 Club in Washington, D.C. —that claims Montgomery County did not meet the necessary criteria to receive state money for the Fillmore is not expected to delay construction, Lee said. The Fillmore is expected to open in September 2011.

Fronting on Fenton Street, the 189-room, 14-story hotel will be 135,000 square feet and 143 feet tall, with three levels of parking. The 11-story, 220,000-square-foot office building will front Georgia Avenue at the site of an existing surface parking lot and include about 5,500 square feet of retail space. The office will include seven levels of parking, including three below ground.

Lee said he has spoken with three hotel operators and has met with potential office tenants. While the schedule is dependent on leasing tenants for the office and hotel, as well as the recovery of the economy, Lee expects construction on the office and hotel project to begin within the next five years.

Of the board members that reviewed Fillmore plans Thursday, only Commissioner Joseph Alfandre was on the board in July 2008 when it rejected the controversial land-use rules that made the Fillmore possible.

"There is a general concern that we've built over the years a strong planning process that is protected from political favoritism," former planning board Chairman Royce Hanson said in July 2008. "We don't want to get into a situation where a project can get anything it wants based on the decisions of an elected official."

On Thursday, Alfandre apologized for the board's previous decision.

"I was wrong on this project two years ago to make your life miserable and hold it up just a little bit," Alfandre said Thursday. "Two years ago, I asked for an iconic mixed-use project, and that's what you delivered. I wish you didn't have to be a guinea pig."

But there are still concerns going forward. Silver Spring resident Tony Hausner urged planners to involve the community in determining how the Fillmore will be available for community use, especially in the wake of conflict over rental fees and availability to nonprofit organizations tied to the Silver Spring Civic Building, which opened July 8.

"It's become more [evident] of how limited access there is for affordable public space for community groups, particularly youth groups," Hausner said.

Montgomery County will be allowed to hold three events at the venue per year for free; nonprofit and charity organizations will be allowed the same. The venue will be available for 30 free additional community uses per year, said David Dise, the director of the county's Department of General Services.

"The mechanism for how space will be reserved is in the works," Dise said.